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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,046	04/26/2001	William Eric Hamilton	7896.14	2695
25314	7590	07/08/2004	EXAMINER	
GUNSTER, YOAKLEY & STEWART, PA BROWARD FINANCIAL CENTRE, SUITE 1400 500 EAST BROWARD BLVD FT LAUDERDALE, FL 33394			FOULADI SEMNANI, FARANAK	
		ART UNIT	PAPER NUMBER	
		2672	JO	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/844,046	HAMILTON ET AL.	
	Examiner	Art Unit	
	Faranak Fouladi	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-9 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-9 and 21-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 April 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>10</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: application, filed on 04/26/2001; IDS, filed on 04/26/01; Pre-amendment A, filed on 12/31/01; Amendment B, filed 08/26/03; RCE and Amendment C filed 4/12/04.
2. Claims 2-9 and 21-28 are pending in the case, with claims 21 and 23 being independent.
3. The present title of the application is "Method for prolonging CRT screen life by reduced phosphor burning" (as originally filed).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 21 recites the limitation "the underlying video image" in part (b). There is insufficient antecedent basis for this limitation in the claim.
5. Claim 2 recites the limitations "the smallest addressable screen unit" and "the display" in line 2. There is insufficient antecedent basis for these limitations in the claim.
6. Claim 8 recites the limitations "the bottom" and "the CRT screen" in line 2. There is insufficient antecedent basis for these limitations in the claim.
7. Claim 23 recites the limitation "the underlying live video image" in part (b). There is insufficient antecedent basis for this limitation in the claim.
8. Claim 27 recites the limitations "the bottom" and "the CRT screen" in line 2. There is insufficient antecedent basis for these limitations in the claim.

9. Claim 28 recites the limitations "the two bottom corners" and "the CRT screen" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 21 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,610,665 to Berman.

11. Regarding independent claim 21, "a method of displaying video comprising the steps of: (a) providing a video image (b) overlaying textual information on top of the underlying video image in a manner to minimize interruption to the underlying video image; and (c) moving the overlaid textual information periodically without moving the underlying video image in a manner to minimize interruption to the underlying video image." Berman discloses in abstract and in col. 5 lines 17-49. Berman discloses in col. 5 lines 17-49 that the overlay is text and can be moved around without any distraction to background video.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-9 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,610,665 to Berman as applied to independent claim 21 above and further in view of US Patent 6,628,247 to TOFFOLO et al. (hereafter TOFFOLO).

13. Regarding dependent claim 6, "the method of claim 21 wherein the textual information is moved at least once per hour." Berman disclose in abstract moving the overlay text to any location over the television scene, but Berman is silent about moving the overlay at least once per hour.

TOFFOLO disclose in col. 1 lines 38-43 "the display system displays an image at a first position for a first predetermined time period. The display system then displays the image at a second position only a few pixels displaced from the first position for a second predetermined period of time. Preferably, the image is displayed briefly simultaneously at the first and second positions and then displayed only in the second position" TOFFOLO is silent about overlaying textual information over the video image and moving it at least once per hour.

Predetermined period of time can be set to an hour. It would have been obvious at the time of invention to one skilled in the art to combine the interactive television graphics interface of Berman with the display system of TOFFOLO to

reduce uneven aging of pixels on the screen when the display remain activated for long period of time.

14. Claim 7 is similar in scope with claim 6 and therefore is rejected under the same rational.

15. Regarding dependent claim 8, "the method of claim 21 wherein the textual information is overlaid near the bottom of the CRT screen." Berman disclose in abstract moving the overlay text to any location over the television scene. The location can be near the bottom of the CRT screen.

16. Claim 9 is similar in scope with claim 8 and therefore is rejected under the same rational.

17. Regarding dependent claim 22, "a method as recited in claim 21, wherein said moving step comprises periodically moving the overlaid textual information by a predefined amount." Berman disclose in abstract moving the overlay text to any location over the television scene but he is silent about periodically moving the overlaid textual information by a predefined amount." TOFFOLO disclose in col. 1 lines 40-41 that the image can be shifted from one position to another by a predefined amount (amount can be defined based on the number of pixels on the screen) on a periodic bases. It would have been obvious at the time of invention to one skilled in the art to combine the interactive television graphics interface of Berman with the display system of TOFFOLO to reduce uneven aging of pixels on the screen when the display remain activated for long period of time.

18. Claims 2-5 depend on claim 22 and claim the amount of overlay movement, they

are similar in scope to claim 22 and therefore are rejected under the same rational.

19. Claims 23-28 are similar in scope to claims 2-9, 21 and 22 and therefore they are

rejected under the same rational. The Berman's television scene can be a live video image.

Response to Arguments

20. Applicant's arguments with respect to claims 21, 23 and all of the claims that

depend therefrom have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

22. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Faranak Fouladi whose telephone number is 703-

305-3223. The examiner can normally be reached on Mon-Fri from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reach at 703-305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9306 (for Technology Center 2600 only)

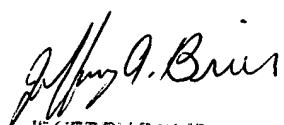
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Faranak Fouladi-Semnani

Patent Examiner

Art Unit 2672



JEFFERY BAIER
PRIMARY EXAMINER